

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**LORI CRABTREE,**

**Plaintiff,**

**v.**

**CIV 13-0411 KBM/RHS**

**JEFFREY MANTEL,**

**Defendant.**

**ORDER TO SHOW CAUSE**

THIS MATTER came before the Court *sua sponte* upon its review of the Notice of Removal (*Doc. 1*) and Notice of Filing (*Doc. 2*) the state court file in this action. In both the Notice of Removal and the accompanying Civil Cover Sheet (*Doc. 3*), Defendant relies on “Federal Question” as the basis for subject matter jurisdiction in federal district court. Indeed, Defendant specifically recites that this “is a civil action, within the jurisdiction of the United States District Courts, based upon alleged civil rights violations under the Fourth, Fifth, and Fourteenth Amendments to the U.S. Constitution, 42 U.S.C § 1983” and contends that removal is therefore proper under 28 U.S.C. §1441. See *Doc. 1*. The state court complaint, however, makes no such references and instead seeks an award of personal injury damages arising out of what appears to be a simple automobile accident that occurred in Denver, Colorado. See *Doc. 2-1* (“The accident happened as a sole result of the negligence of Mantle, to wit: his running of a red light and failure to obey a traffic signal.”).

**IT IS THEREFORE ORDERED** that no later than Friday, May 10, 2013, Defendant shall either voluntarily remand this action or file a response to this Order to Show Cause explaining why this Court should not enter an order of remand to New Mexico Second Judicial District Court.

  
UNITED STATES CHIEF MAGISTRATE JUDGE